UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,232	05/25/2001	Dale Lowry	26530.57	3311

27683   7590   09/30/2003

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER
TRAN, PHILIP B

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears n the cov r sheet with th corresp ndence address --

Period f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 November 2002</u> .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1 and 21-34</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1 and 21-34</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>25 May 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Pri rity under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: .

DETAILED ACTION

1.   The request for the deletion of inventors in this nonprovisional application under

37 CFR 1.48(b) is deficient because :

Amendment of the inventorship requires :

(1) A request, signed by a party set forth in 1.33(b), to correct the inventorship

that identifies the named inventor or inventors being deleted and acknowledges that the

inventor's invention is no longer being claimed in the nonprovisional application; and

(2) The processing fee set forth in 1.17(i).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

3.   Claims 21-24, 26-31 and 33-34 are rejected under 35 U.S.C 102(e) as being

anticipated by Monday, U.S. Pat. No. 6,480,860.

Regarding claim 21, Monday teaches a method for parsing in a distributed

directory-enabled application environment using an eXtensible Markup Language

("XML") application program interface, the interface including a class factory, the

method comprising accepting an XML file as an input stream, parsing the input stream,

scanning the input stream for an object, determining whether the object references a

system service, dynamically loading the service if referenced, dynamically configuring

the service, and instantiating the object in the class factory, so that the service

referenced by the object in the XML stream is automatically available to the object (i.e.,

inputting XML document request, then parsing data request and bridging or binding

objects for outputting) [see Figs. 2-4 and Abstract and Col. 7, Line 4 – Col. 8, Line 28

and Col. 9, Line 38 – Col. 10, Line 14].

Regarding claims 22-23, Monday further teaches the method of claim 21

including determining whether the service is available before dynamically loading and

configuring the service and determining whether the service is already loaded before

loading the service (i.e., determining if data type definition is existed for the requested

data type) [see Col. 7, Lines 21-41].

Regarding claim 24, Monday further teaches the method of claim 22 including

determining if the service is available, and defaulting the object to a document object

model during instantiation in the class factory if the service is unavailable (i.e., if data

type definition DTD is available then bridging or binding objects by identifying and

invoking data access component corresponding to data request) [see Fig. 4 and Col. 7,

Lines 42-67].

Regarding claim 26, Monday further teaches the method of claim 21 further

including scanning the input stream for a plurality of objects. It is inherent that scanning

input stream is performed before parsing step is carried out [see Col. 5, Lines 18-24 and Col. 7, Lines 4-30].

Regarding claim 27, Monday further teaches the method of claim 21 further including accepting a plurality of XML files as the input stream [see Figs. 2-4].

Claim 28 is rejected under the same rationale set forth above to claim 21. In addition, Monday further teaches at least one processor (110), at least one memory accessible to the processor (120), an application stored in a portion of the memory (124), and software for parsing an XML file for the application (i.e., bridge software 125) [see Fig. 1]

Claims 29-31 are rejected under the same rationale set forth above to claims 22-24.

Claims 33-34 are rejected under the same rationale set forth above to claims 26-27.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   Claim 1 is rejected under 35 U.S.C 103(a) as being unpatentable over Monday,

U.S. Pat. No. 6,480,860 in view of Hemphill et al (Hereafter, Hemphill), U.S. Pat No.

6,167,448.

Regarding claim 1, Monday teaches a computer system for facilitating distributed

directory-enabled applications using an eXtensible Markup Language ("XML")

application program interface, the system comprising :

at least one processor (110);

at least one memory accessible to the processor (120);

a first application stored in a first portion of the memory (124);

a second application stored in a second portion of the memory (125);

software for parsing XML files for the first and second applications, the software

comprising instructions for accepting an XML file as an input stream, parsing the input

stream, dynamically loading system services referenced in the input stream, and

configuring the services, and software for bridging, the software for comprising instructions for thread safeness, whereby a bridge utilizes semaphore access control to control thread access, smart pointers, whereby the bridge automatically manages the memory it requires, and opaque interfaces, whereby the bridge maintains interface compatibility when implementation changes occur in an interface (i.e., the bridge software is responsible for handling all requests made via XML Interface and parsing the data request and identifying the data sources and bridging or binding objects) [see Figs. 1-4 and Col. 5, Lines 18-58 and Col. 7, Lines 24-40].

Monday does not explicitly teach software for an event system, the software comprising instructions for publishing an event by either the first or second application, subscribing to the event by the other application, and acting on the event by the other application, whereby the first and second applications interact with each other through the event system. However, the use of an event system for managing interaction between multiple applications is well known in the art as disclosed Hemphill [see Figs. 1-2 and Abstract and Col. 1, Lines 34 – Col. 2, Line 48 and Col. 7, Lines 5-41]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to implement event system because it would have enabled management of event notification associated with interaction between components.

5.   Claim 25 is rejected under 35 U.S.C 103(a) as being unpatentable over Monday, U.S. Pat. No. 6,480,860 in view of Lee et al (Hereafter, Lee), U.S. Pat No. 6,480,865.

Regarding claim 25, Monday does not explicitly teach the method of claim 24 further including determining if there is a suitable document object model, and defaulting the object to a highest available class during instantiation in the class factory if there is no suitable document object model. However, the use defaulting to the highest available class in the object tree is well-known in the art as disclosed by Lee [see Figs. 1-2 and Col. 10, Lines 35-67]. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to default to the highest level of the object tree if there is no suitable document in the object model because it would have enabled instantiation of object class for invoking data objects.

Other References Cited

6.   The following references cited by the examiner but not relied upon are considered pertinent to applicant's disclosure.

A)   Colyer, U.S. Pat. No. 5,862328.

B)   Chang et al, U.S. Pat. No. 6,584,459.

C)   Yalcinalp, U.S. Pat. No. 6,507,857.

D)   Baisley et al, U.S. Pat. No. 6,408,311.

E)   Golden, U.S. Pat. Application Pub. No. US 2002/0073399.

F)   Yassin et al, U.S. Pat. Application Pub. No. US 2002/0099734.

G)   Ankireddipally et al, U.S. Pat. Application Pub. No. US 2002/0116205.

7.   A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS ACTION IS

SET TO EXPIRE THREE MONTHS, OR THIRTY DAYS, WHICHEVER IS LONGER,

FROM THE MAILING DATE OF THIS COMMUNICATION. FAILURE TO RESPOND

WITHIN THE PERIOD FOR RESPONSE WILL CAUSE THE APPLICATION TO

BECOME ABANDONED (35 U.S.C. § 133). EXTENSIONS OF TIME MAY BE

OBTAINED UNDER THE PROVISIONS OF 37 CAR 1.136(A).

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Philip Tran whose telephone number is (703) 308-8767.

The fax phone number for this Group is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hosain T. Alam, can be reached on (703) 308-6662.

Any inquiry of a general nature or relating to the status of this application should

be directed to the Group receptionist whose telephone number is (703) 305-3900.

PBT

Philip Tran
Art Unit 2155
Sept 16, 2003

HOSAIN ALAM
SUPERVISORY PATENT EXAMINER